

REMARKS

Claims 1-21 are pending. Claims 1-21 stand rejected in the Office Action mailed June 25, 2002. Claims 1, 8, 10-13 and 21 have been amended within the subject matter of the application as filed. No new matter has been added.

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,981,091 of Wiener, Jr., et al. ("Wiener").

Claims 8-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiener in view of U.S. Patent 905,951 of Sturla ("Sturla").

Claims 8-10, 12 and 14-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiener in view of U.S. Patent 4,010,517 of Kapstad et al ("Kapstad").

Rejections under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-7 under 35 U.S.C. §102(b) as being anticipated by Wiener. Applicant submits that claims 1-7 are not anticipated by Wiener. In regard to the rejection of claims 1-7, the Examiner has stated in part that:

Wiener teaches a picture frame comprising a transparent front panel, a back panel, and the picture mounted there-between... (6/25/02, Office Action, p. 2)

Applicant respectfully submits that claims 1-7 are not anticipated by Wiener. Amended claim 1 recites the feature of "at least one u-shaped clip..." (emphasis added) Wiener does not disclose a U-shaped clip. Wiener discloses a picture frame construction including a device that includes a plurality of resilient retaining elements, and a hooked member engaging circular openings. (Wiener, Abstract) Wiener's figure 5 shows the device 13 having the hooked member.

Because Wiener does not disclose "at least one u-shaped clip..." as taught by claim 1, applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. §102(b) by Wiener.

Furthermore, because Wiener does not disclose this feature as taught by applicant and given that claims 2-7 depend directly or individually from claim 1, applicant respectfully submits that claims 1-7 are not anticipated under 35 U.S.C. §102(b) by Wiener.

Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Wiener in view of Sturla.

In regard to the rejection of claims 8-21, applicant respectfully submits that claims 8-21 are not obvious in view of the combination of Wiener and Sturla. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Wiener and Sturla. Wiener and Sturla do not teach or suggest a combination with each other. Wiener provides for a hook shaped device that requires a specific rear panel to receive it. (Wiener, Fig. 1, Abstract) Sturla discloses photograph holders. The photograph holders serve a completely different purpose than Wiener's invention. Neither reference suggest a combination with each other, let alone describe a u-shaped hook.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071(Fed. Cir. 1988).

However, nowhere is there any indication that the references provide any motivation for the recited combination. Instead, it appears the teachings of the present application have been used as a blueprint to gather together and assemble various components of the prior art in the manner contemplated by applicant. This is a classic example of the use of hindsight reconstruction, and cannot properly be used as grounds for rejecting the present claims.

The U.S. Court of Appeals for the Federal Circuit has strongly criticized such applications of hindsight by specifically indicating that when an obviousness determination is

made based upon a combination of references, even a patent examiner "must show reasons that the skilled artisan, confronted with the same problems as the inventor *and with no knowledge of the claimed invention*, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (emphasis added). Merely indicating, as the Examiner argues in its motion, that the claimed invention would be obvious to one of ordinary skill in the art based on the combination of the references is utterly inadequate. *Rouffet*, at 1357. Instead, what is needed is a showing of motivation, either from the references themselves or the knowledge of those of ordinary skill in the art, for the combination being relied upon. *Rouffet* at 1357.

In the present case, there has been no showing of such motivation. Instead, the Examiner attempts to deconstruct the subject matter of the claims of the present application into its constituent components, states where each such component may be found in one of the cited references, and then concludes that it would have been obvious to combine the references to arrive at the claimed invention. This bare bones analysis is not sufficient to support a determination of obviousness. The burden is on the Examiner to show *why* one be so motivated as to come up with the combination being relied upon. *Rouffet*, at 1357-1358 ("If such a rote invocation could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields [an infringer or the Patent Office] could routinely identify the prior art elements in an application, invoke the lofty level of skill, and rest its case for [obviousness]. To counter this potential weakness in the obviousness construct, the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness.")

In regard to the rejection of claims 8-21, the Examiner has stated that:

Sturla teaches a photograph holder comprising a double clip for rigidly or hingedly holding a pair of adjacent photograph cards.
(Office Action, 6/25/02, p.3)

In any event, even if Wiener and Sturla were combined, such a combination would lack one or more features of the rejected claims. Amended claim 8 includes the feature of “at least one double u-shaped clip for securing said overlay section sets together...” (Emphasis added) Neither Wiener nor Sturla disclose this feature. Wiener discloses a single hook shaped clip (Wiener, Fig. 5). Sturla discloses a photograph holder having ribs 9 as shown in Figure 5. A combination of Wiener and Sturla would lack the feature of at least one double u-shaped clip for securing said overlay section sets together. (claim 8) Because the combination of Wiener and Sturla does not disclose this feature as taught by applicant and given that claims 8-21 depend directly or individually from independent claim 8 and add additional limitations, it is respectfully submitted that claims 8-20 are not unpatentable under 35 U.S.C. §103(a) in view of Wiener and Sturla.

The Examiner also rejected claim 21 under 35 U.S.C. §103(a) for the reasons set forth in the rejection of claims 8-20. Claim 21 discloses substantially similar limitations as claim 8 and recites the feature of “at least one double u-shaped clip connecting said first overlay section set to said second overlay section set...” (emphasis added) A combination of Wiener and Sturla would lack this feature for the reasons discussed above with regard to claims 8-20, applicant respectfully submits that claim 21 is not obvious under 35 U.S.C. §103(a) by Wiener in view of Sturla.

The Examiner has rejected claims 8-10, 12, and 14-21 under 35 U.S.C. §103(a) as being unpatentable over Wiener in view of Kapstad.

In regard to the rejection of claims 8-10, 12, and 14-21, applicant respectfully submits that claims 8-21 are not obvious in view of the combination of Wiener and Kapstad. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Wiener and Kapstad. Wiener and Kapstad do not teach or suggest a combination with each other. Wiener provides for a hook shaped device that requires a specific rear panel to receive it. (Wiener, Fig. 1, Abstract) Kapstad discloses photograph holders. The

photograph holders serve a completely different purpose than Wiener's invention. Neither reference suggest a combination with each other, let alone describe a u-shaped hook.

In regard to the rejection of claims 8-10, 12, and 14-21, the Examiner has stated that:

Kapstad teaches a sheet support apparatus comprising a double clip 60 for holding a pair of adjacent boards.
(Office Action, 6/25/02, p.3)

In any event, even if Wiener and Kapstad were combined, such a combination would lack one or more features of the rejected claims. Amended claim 8 includes the feature of "at least one double u-shaped clip for securing said overlay section sets together..." (emphasis added) Neither Wiener nor Kapstad disclose this feature. Wiener discloses a single hook shaped clip (Wiener, Fig. 5). Kapstad discloses a three generally planar and integrally connected wall members spaced to define a cavity containing an anchor. (Kapstad, Figure 4) A combination of Wiener and Kapstad would lack the feature of at least one double u-shaped clip for securing said overlay section sets together. (claim 8) Because the combination of Wiener and Kapstad does not disclose this feature as taught by applicant and given that claims 8-10, 12, and 14-20 depend directly or individually from independent claim 8 and add additional limitations, it is respectfully submitted that claims 8-10, 12, and 14-20 are not unpatentable under 35 U.S.C. §103(a) in view of Wiener and Kapstad.

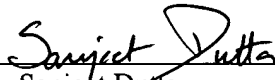
The Examiner also rejected claim 21 under 35 U.S.C. §103(a) for the reasons set forth in the rejection of claims 8-10, 12, and 14-21. Claim 21 discloses substantially similar limitations as claim 8 and recites the feature of "at least one double u-shaped clip connecting said first overlay section set to said second overlay section set..." (emphasis added) A combination of Wiener and Kapstad would lack this feature for the reasons discussed above with regard to claims 8-20, applicant respectfully submits that claim 21 is not obvious under 35 U.S.C. §103(a) by Wiener in view of Kapstad.

Applicant respectfully submits that all rejections have been overcome. Consideration of this amendment should lead to favorable action that would overcome all remaining grounds of objection and/or rejection.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A display unit comprising:
at least one overlay section set having at least two overlay sections;
at least one u-shaped clip for securing said overlay sections together, wherein the at least one clip secures said overlay sections together using pressure; and
at least one securing platform to support said overlay section set.
2. (Unchanged) The display unit of claim 1, wherein said overlay section set further comprises:
a transparent section; and
a backing section.
3. (Unchanged) The display unit of claim 1, wherein said clip comprises:
a main body;
a pressure tab; and
a clip notch, wherein said main body and said pressure tab are connected such that they form said clip notch.
4. (Unchanged) The display unit of claim 2, wherein said transparent section includes a recess for said clip.
5. (Unchanged) The display unit of claim 2, wherein said backing section includes a recess for said clip.
6. (Unchanged) The display unit of claim 3, wherein said main body has an artful form.
7. (Unchanged) The display unit of claim 1, wherein said securing platform further comprises:

a base extension; and

a vertical extension, wherein said base and vertical extensions are connected so as to support said overlay section set.

8. (Amended) A display unit comprising:

at least two overlay section sets, wherein each of said overlay section sets have at least two overlay sections; and

at least one double- u-shaped clip for securing said overlay section sets together, wherein the at least one double-clip secures said at least two overlay sections of said at least two overlay section sets together using pressure.

9. (Unchanged) The display unit of claim 8, wherein each of said overlay section sets further comprise:

a transparent section; and

a backing section.

10. (Amended) The display unit of claim 8, wherein said double- u-shaped clip comprises:

a first prong, said first prong having a first main body and a first pressure tab, wherein said first main body and said first pressure tab are connected such that they form a first clip notch;

a second prong, said second prong having a second main body and a second pressure tab, wherein said second main body and said second pressure tab are connected such that they form a second clip notch; and

a hub that connects said first prong and said second prong at a closed end of said first and second clip notches.

11. (Amended) The display unit of claim 10, wherein said hub of said double- u-shaped clip further comprises a hinge mechanism.

12. (Amended) The display unit of claim 8, wherein said double- u-shaped clip comprises:
at least two prongs, wherein each of said prongs has a main body and a pressure tab, and
wherein said main body and said pressure tab are connected such that they form a clip notch; and
a hub that connects said prongs at a closed end of each of said prongs.
13. (Amended) The display unit of claim 12, wherein said hub of said double- u-shaped clip
further comprises a hinge mechanism.
14. (Unchanged) The display unit of claim 9, wherein said transparent section includes a
recess for said clip.
15. (Unchanged) The display unit of claim 9, wherein said backing section includes a recess
for said clip.
16. (Unchanged) The display unit of claim 10, wherein said first main body has an artful
form.
17. (Unchanged) The display unit of claim 10, wherein said second main body has an artful
form.
18. (Unchanged) The display unit of claim 12, wherein said main body has an artful form.
19. (Unchanged) The display unit of claim 8 further comprising:
at least one securing platform to support said overlay section sets.
20. (Unchanged) The display unit of claim 19, wherein said securing platform further
comprises:
a base extension; and
a vertical extension, wherein said base and vertical extensions are connected so as to
support said overlay section set.

21. (Amended) A display unit comprising:

a first overlay section set having a first transparent section and a first backing section;

a second overlay section set having a second transparent section and a second backing section;

at least one double- u-shaped clip connecting said first overlay section set to said second overlay section set, said double- u-shaped clip having:

a first prong, said first prong having a first main body and a first pressure tab, wherein said first main body and said first pressure tab are connected such that they form a first clip notch, said first clip notch holding said first transparent section and said first backing section together using pressure to form said first overlay section set;

a second prong, said second prong having a second main body and a second pressure tab, wherein said second main body and said second pressure tab are connected such that they form a second clip notch, said second clip notch holding said second transparent section and said second backing section together using pressure to form said second overlay section set; and

a hub that connects said first prong and said second prong at a closed end of said first and second clip notches.